



Massachusetts  
Department  
of  
ENVIRONMENTAL  
PROTECTION

## fact sheet

# Complying With Stage I and Stage II Certification Submittal Requirements

If you own and/or operate a Massachusetts gasoline dispensing facility subject to Department of Environmental Protection (MassDEP) Stage I or Stage II Vapor Recovery requirements, reviewing this fact sheet will help you remain in compliance with state regulations.

### Certification due dates

The Annual In-Use Compliance Certification for a Stage I or Stage II system must be postmarked by the certification due date or within 30 days of the first passing test result cited on the certification form, whichever comes first.

A certification due date is determined by the postmark date on the envelope of your previous year's certification submission to MassDEP. This approach ensures that all Stage I and Stage II systems are certified at least once every 12 months.

For example, if a facility's Year 1 certification is postmarked March 23, the facility will be required to mail its next certification to MassDEP by March 23 of Year 2. If, however, the facility mails its Year 2 certification more than 30 days before the facility's currently applicable due date (for example on February 20), the due date for its Year 3 certification will be February 20, and not remain March 23. Future certification due dates for certifications mailed less than 30 days before their currently applicable due date will remain unchanged.

If maintaining your facility's current certification due date is important to you, simply schedule your compliance tests for no more than 30 days in advance of that date. You may also schedule your tests and submit your certification at any time before your due date if you wish.

### Responsible Official (owner, operator, lessee, controller) changes

The owner, operator, lessee, or controller of a Stage I or Stage II facility at the time of the certification due date is responsible for the timely submittal to MassDEP of the completed certification. However, MassDEP is not always notified of owner/operator/lessee changes in a timely fashion, and as a result may mail forms to a previous Responsible Official.

- **Former Owner/Operator:** If you are the **former** owner, operator, lessee, or controller of a Stage I or Stage II facility relinquishing his or her authority, the Stage I and Stage II regulations require that you must submit to MassDEP a **signed letter notifying MassDEP within 30 days of the effective date of the change**. The signed letter must include the following information:
  - A. the **name of the person** relinquishing his or her authority, the facility name and address, and the Stage I / II Facility Customer Code Number;
  - B. the **effective date** of the change of owner, operator, lessee or controller.
  - C. the **full name** of the **new** owner, operator, lessee or controller of the facility and related business information, including the new facility name and address; and
  - D. the **phone number** and **email address** for the new owner, operator, lessee, or controller.

Massachusetts Department of  
Environmental Protection  
One Winter Street  
Boston, MA 02108-4746

Commonwealth of  
Massachusetts  
Charles D. Baker, Governor

Executive Office of  
Environmental Affairs  
Matthew A. Beaton, Secretary

Department of  
Environmental Protection  
Martin Suuberg  
Commissioner

Revised by the  
Bureau of Air and Waste,  
March 2015  
Printed on recycled paper.

This information is available in  
alternate format by calling our  
ADA Coordinator at  
(617) 574-6872.



- **New Owner/Operator:** If you are the **new** owner, operator, lessee, or controller of a Stage I or Stage II facility, you must submit to MassDEP within 30 days of the effective date a **Stage I Form E** or **Stage II Form E** (Change of Stage I / II System Owner, Operator, Lessee or Controller Notification).

You may download a Stage I Form E or Stage II Form E from:

<http://www.mass.gov/eea/agencies/massdep/air/programs/stage-ii-vapor-recovery.html>

### Facility closures

- A. The **Stage I** and **Stage II Facility Closure Notification (Form F)** have been revised to allow the temporary out of service, permanent closure, or removal of the facilities tanks and Stage I or Stage II system.
- B. Any person taking a Stage I or Stage II system out of use must submit to MassDEP:
  1. a fully completed **Stage I Form F** or **Stage II Form F** and;
  2. a fully completed **FP-290** or **FP-290R** form (Notification For Storage Tanks Regulated Under 310 CMR 80.00).
    - **FP-290** form is required for USTs that are **temporarily out of service** or **permanently closed in place**.
    - **FP-290R** form is required for USTs that have been **removed**.

You may download a Stage I Form F or Stage II Form F from:

<http://www.mass.gov/eea/agencies/massdep/air/programs/stage-ii-vapor-recovery.html>

You may download a FP-290 and FP-290R form from:

<http://www.mass.gov/eea/agencies/massdep/toxics/ust/>

### More than one Responsible Official

When a Stage I or Stage II facility is owned by one party and leased or operated independently by another, both parties may have separate Stage I or Stage II compliance responsibilities. All Stage I and Stage II forms provide spaces for the owner and the lessee or other independent operator to identify the compliance activities for which they are responsible and to sign the forms. For facilities with one person responsible for all aspects of Stage I or Stage II system compliance, only the **Responsible Official #1** section of the forms should be completed and signed.

### MassDEP enforcement notices

Should you ever receive a Notice of Noncompliance (NON) or notification of other enforcement action(s) from MassDEP relative to the Stage I or Stage II system installed at your facility, do not ignore the correspondence. Read it carefully and correct all aspects of noncompliance by the stipulated date(s). Submitting the Annual In-Use Compliance Certification for your Stage I or Stage II system will not relieve you from the need to comply with an outstanding NON or other MassDEP enforcement action(s).

### For additional information

If you have questions or need additional information or forms, please call the MassDEP Stage II Hotline at (617) 556-1035, email us at [aq.stage2@state.ma.us](mailto:aq.stage2@state.ma.us), or visit our Web site: <http://www.mass.gov/eea/agencies/massdep/air/programs/stage-ii-vapor-recovery.html>